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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,948	06/06/2000	George P. Pollack	029169-9001	9711

7590 07/22/2003

BARRY W SUFRIN
MICHAEL BEST & FRIEDRICH LLP
401 NORTH MICHIGAN AVE #1700
CHICAGO, IL 60611

EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CAW

Office Action Summary	Application No. 09/587,948	Applicant(s) POLLACK, GEORGE P.	
	Examiner Felix O. Figueroa	Art Unit 2833	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The amendment to the specification is not proper, since it does not includes a clean copy of the paragraph / section intended to be amend. However, the change has been made by informal examiner amendment in accordance with the instructions provided in the amendment filed 01/24/02.

Drawings

The drawings remain objected because the label for the length "L" should be outside the body of the housing.

The centerline "LL" of the plug housing is not labeled.

The remarks filed 01/24/02 disclose that a proposed amendment to Figures 4 and 7 has been presented. However, such proposed amendment is not found in the application. Applicant is kindly requested to provide a copy of the proposed amendment for consideration, in response to this Office Action.

Claim Objections

Claims 15 -17 are objected to because of the following informalities: Claims 15 and 17 depend on canceled claim 14. However, it is assumed that these claims should depend on claim 13. Accordingly, applicant is required to amend the claims in response to this Office Action.

Claim Rejections

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2833

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Govaerts (BE 0544048) in view of Bellinger (US 5,567,187).

Govaerts discloses an electrical terminal comprising: a crimp flange (12) having a pair of upwardly directed opposite side portions (11) and a bottom plate, insulation piercing knives tandem aligned and integral with the crimp flange and projecting from the bottom portion, and a terminal extending from the crimp flange for insertion into an external electrical socket. Govaerts discloses the claimed invention except for a round terminal instead of a blade. Bellinger shows that a blade is an equivalent structure known in the art for a terminal connector. Therefore, because these two terminal connectors were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found obvious the substitution of the round terminals for the blade terminals to match the configuration of the preferred electrical socket.

Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger in view of Govaerts.

Bellinger discloses a plug housing (20) having opposite ends and spaced apart channels, a pair of insulated conductors (36) and a pair of electrical terminals including a crimp flange, a concave arcuate-shape bottom portion, and a blade connected to the

crimp flange. However Bellinger does not disclose insulation piercing knives. Govaerts teaches the use of insulation piercing knives (8) to pierce the outer insulating cover of the conductor and complete the electrical connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use of insulation piercing knives on the crimp flange, as taught by Govaerts, to obtain a more secure electrical connection.

Regarding claims 6 and 7, Bellinger shows the housing and the electrical terminal with a one-piece construction.

Regarding claims 8 and 9, Bellinger shows the claimed structure in Figure 2.

Regarding claims 10 and 11, Govaerts shows the pair of insulation piercing knives disposed in a tandem alignment with each other.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinger and Govaerts as applied to claims 1 and 5 above, and further in view of Takemasa (US 6,045,408).

Neither Bellinger nor Govaerts disclose the use of undulations in a web portion. However, Takemasa teaches the use of a plurality of undulating barbs to securely fasten the electrical terminal to the housing. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a plurality of barbs as taught by Takemasa to create a secure fastening of the electrical terminal to the housing.

Claims 13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbert (US 2,229,288).

The structure shown by Gilbert inherently discloses the method claimed: a) providing a plug housing and a plurality of electrical terminals; b) passing a pair of insulated conductors through channels of the plug housing; c) aligning ends of the terminals with the portions of the wires that extend from the plug housing; d) crimping the electrical terminal on the ends of the conductors; and e) securing the terminals on the channels of the housing.

Please note that the structural limitations in the claims have not been given patentable weight, since it has been held that to be entitled to weight in method claims, the recited-structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Takemasa.

Gilbert discloses substantially the claimed invention except for the undulation on the web portion. Takemasa teaches the use of undulations on a web portion to help retain the terminal within a housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include undulations on the web portion of Gilbert, as taught by Takemasa, to help retain the terminal within the housing. However, Takemasa does not disclose undulations on opposite sides of the web portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate undulations on opposite sides of the web portion, since it has been held that mere duplication of essential working parts involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Ozaki (JP 09-213436).

Gilbert inherently discloses the method claimed except for the provision of a strip to align the terminals. Ozaki discloses the use of a strip to align the terminals. Therefore, it would have been obvious the use of a strip to hold and align the terminals to accelerate the manufacture of the assembly.

Regarding claims 18-20, the order between the crimping of the terminal and the remission of the strips would have been an obvious matter of choice to one of ordinary skill in the art since the applicant has not disclosed that the order between the two steps provides any advantage or solves any stated problem.

Response to Arguments

Applicant's arguments filed 01/24/03 regarding claims 1-12 have been fully considered but they are not persuasive.

In response to applicant's arguments that Goevarts "does not involve a crimp flange", please note that *The American Heritage® Dictionary of the English Language, Fourth Edition* defines "crimp" as "to bend or mold into shape", Copyright © 2000 by Houghton Mifflin Company. Thus, since the flanges disclosed by Goevarts are bent into shape, they are considered crimp flanges.

In response to applicant's arguments that the piercing pins of Goevarts "are not integral with the terminal", please note that it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

In response to applicant's arguments that "the references do not remotely teach or suggest placement of an insulation-piercing knife in the arcuate-shape bottom of a crimp flange", please note that the bottom surface of the crimping flange of Goevarts is considered an arcuate bottom surface. However, it is noted that this limitation has been deleted from claim 1.

In response to applicant's arguments regarding claim 13, please note that the structural limitations in the claims have not been given patentable weight, since it has been held that to be entitled to weight in method claims, the recited-structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

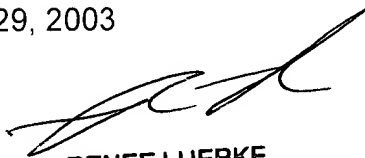
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

ffr
April 29, 2003



**RENEE LUEBKE
PRIMARY EXAMINER**